

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

2009 DEC 14 PM 4:17

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

LARRY CHANEY, et ux.
DANA CHANEY,

Plaintiffs,

v.

No. 3 09 1185

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendant.

NOTICE OF REMOVAL OF A CIVIL ACTION

Comes now the defendant, State Farm Fire and Casualty Company, (hereinafter referred to as "State Farm"), by and through counsel, pursuant to 28 U.S.C. §1446, and hereby gives notice of removal from the Circuit Court of Rutherford County, Tennessee, to the United States District Court for the Middle District of Tennessee, Nashville Division, alleging as follows:

1. On November 9, 2009, the plaintiffs, Larry Chaney and Dana Chaney, filed suit against State Farm in the Circuit Court for Rutherford County, Tennessee, where said action is now pending under docket number 59897.
2. On November 13, 2009, State farm was served with a Summons and Complaint through the Commissioner of Commerce and Insurance. A copy of the Summons and Complaint is attached as Exhibit 1.
3. No further proceedings have been had in the Circuit Court of Rutherford County, Tennessee.

4. The lawsuit arises over a denial of insurance benefits. The policy limits of the policy at issue were \$184,800.00 on the dwelling, \$138,600.00 on personal property, and additional amounts for loss of use. Consequently, the entire amount of controversy exceeds, exclusive of interest and costs, the sum of Seventy-Five Thousand Dollars (\$75,000.00), and thus, jurisdiction would exist pursuant to this court's "diversity of citizenship" jurisdiction under 28 U. S. C. § 1332.

5. This action only involves citizens and residents of different states. At the time of the commencement of the action in the Circuit Court of Rutherford County, Tennessee, the plaintiffs were, according to the Complaint, residents of Rutherford County, Tennessee. State Farm is a corporation incorporated and organized outside the State of Tennessee, with its principal place of business outside the State of Tennessee, specifically Illinois.

6. This Court has original jurisdiction over the above styled action, pursuant to the provisions of 28 U.S.C. § 1332, in as much as the defendant is not citizen or resident of the State of Tennessee, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs. Therefore, removal to this Court and Division is proper, pursuant to 28 U. S. C. §1441.

WHEREFORE, State Farm Fire and Casualty Company prays that the above-styled action be removed from the Circuit Court of Rutherford County, Tennessee, to the United States District Court for the Middle District of Tennessee, Nashville Division.

Respectfully submitted,

s/ Parks T. Chastain

PARKS T. CHASTAIN

Registration No. 13744

Attorney for Defendant, State Farm Fire and
Casualty Company

**BREWER, KRAUSE, BROOKS,
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P. O. Box 23890

Nashville, TN 37202-3890

(615) 256-8787

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December, 2009, a true and correct copy of the foregoing has been sent, via first-class mail, postage prepaid to:

Raymond G. Prince, Esquire
Prince & Hellinger, PC
150 Second Avenue, North, Suite 300
Nashville, TN 37201-1902

s/ Parks T. Chastain

PARKS T. CHASTAIN

PTC:dmt